



DODGE COUNTY SHERIFF'S OFFICE

Dale J Schmidt Sheriff **Scott Mittelstadt** Chief Deputy

April Sheriff's Column

Constitutional Rights and Re-Opening the Economy

This first month of the Safer at Home order has been extremely challenging for all of us. The news of the extension of the order creates even more anxiety, frustration and fear. Over the last couple of days, I have spoken with many of you in the community regarding concerns and questions about the newest extension. I will tell you that I share many of the concerns that you all have.

First let me address the constitutionality of the order. From the beginning, I have always been concerned with its constitutionality and when I brought up my concerns, I felt that I was not taken seriously. Due to my concerns, on March 24, 2020 I directed my staff to ask for compliance of the order but further ordered that they contact me directly before taking any actual enforcement of the order such as forcibly closing a business or making an arrest. My intent with my order was to evaluate each incident individually to ensure no constitutional rights were infringed upon by actions of the Dodge County Sheriff's Office. Of course it was necessary to inform the public of potential repercussions to not following the order as I continued to evaluate constitutional issues.

Fortunately, I have received zero phone calls from my deputies needing to take enforcement action. The only enforcement actions (criminal charges) we have taken have been subsequent to other egregious criminal activity that occurred which will never be tolerated. The Dodge County Sheriff's Office will always protect the lives, property and CONSTITUTIONAL RIGHTS of our citizens.

I do thank all of you who have voluntarily complied with the order to slow the spread of the COVID-19 virus. Voluntary compliance is always constitutional and to this point has helped us to keep our community healthy from the virus. I implore everyone to please continue social distancing and following CDC guidelines.

I have been in contact with our state representatives and leaders throughout this pandemic and I will continue to do everything I can to protect our citizens both from the COVID-19 virus as well as from orders that may be unconstitutional. However, it is crucial that we begin to open up our economy for the safety of our citizens who need to provide for their families and pay bills.

There are currently several lawsuits that are being developed that likely will be filed this week to challenge the extension of the governor's order. It is my hope that these challenges will lead Governor Evers to realize that he must revise what has been put out and it needs to be more in line with the President's common sense phased approach to

reopening the economy. I have never been a fan of painting with a broad brush. We need to start implementing common sense measures based on the virus's impact around the state.

Governor Evers, I am formally requesting that you re-evaluate your safer at home order and begin gradually re-opening our economy. Our families are suffering and have been left with very little hope. Part of being a great leader is providing HOPE and showing that there is light at the end of the tunnel. Relaxing the restrictions with common sense in mind will provide that hope. You are standing in the minority in your position to close down our state through the end of May. Even the neighboring states in which you relied on to make your decision are opening their economies well before the end of May. I implore that you keep our citizens safe while also beginning to open up our economy. Also, immediately end those orders that infringe on the constitutional rights afforded to our citizens.

My statement today is made out of respect to everyone, including our health care workers who have worked so hard to keep our community safe, while also looking out for those who are healthy but still suffering. Common sense must be our guiding principle so that we can re-open our economy safely so we can once again enjoy Dodge County, a great place to live, work and visit.

Respectfully,

Sheriff Dale J. Schmidt